



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,830	12/06/2000	Hui-Wen Wen	4425-092	5659

7590 04/06/2004
Benjamin J. Hauptman
LOWE HAUPTMAN GILMAN & BERNER
1700 Diagonal Road
Suite 310
Alexandria, VA 22314

EXAMINER

SHERRILL, JASON L

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 04/06/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,830

Applicant(s)

WEN, HUI-WEN

Examiner

Jason L Sherrill

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2, 4-9, and 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 3 and 10 have been cancelled by the Applicant.

Response to Arguments

2. Applicant's arguments filed 1/7/04 have been fully considered but they are not persuasive. Applicant argues that prior art used by the Examiner, Camara et al. ('507'), fails to disclose a virtual hardware module having a virtual storage device... displayed as a virtual storage device icon in an operating system. The Examiner respectfully disagrees. Camara discloses a hardware module (114, Fig. 4), which is displayed as a virtual storage device on an operating system. Camara further discloses means for storing data through the use of the hardware module (col. 5, lines 31-39; col. 5, lines 62-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider the hardware module of Camara as a virtual storage device.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-9, and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camara et al. (U.S. Patent No. 6,373,507).

For claims 1 and 9, Camara discloses a system for a scanner executing scanning comprising: a virtual hardware module for receiving and transferring a plurality of commands from the computer (114, Fig. 4), the virtual hardware module corresponding to the scanner and displayed as a virtual storage device icon in an operating system of the computer (col. 4, lines 46-52); and a scanner control module communicating with the virtual hardware module and the scanner via the computer (74 & 76, Fig. 2; col. 3, line 66 – col. 4, line 16), the scanner control module for controlling the commands from the virtual hardware module and transferring the commands to the scanner to execute the commands (col. 4, lines 8-16).

Camara does not directly teach virtual hardware module having a virtual storage device.

However, Camara discloses a hardware module (114, Fig. 4), which is displayed as a virtual storage device on an operating system. Camara further discloses means for storing data through the use of the hardware module (col. 5, lines 31-39; col. 5, lines 62-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to consider the hardware module of Camara as a virtual storage device.

For claim 2, Camara discloses a storage module and a plurality of application programs (46, Fig. 1), the virtual hardware module, and the scanner control module therein (col. 2, line 62 – col. 3, line 59); an input module for selecting the virtual hardware module and inputting the commands (col. 5, lines 12-30); an output module for displaying the virtual hardware module (48, Fig. 4; col. 2, lines 57-61); and a control module communicating with the scanner for

Art Unit: 2622

coordinating the storage module, input module and output module (60, Fig. 1; col. 3, lines 47-55).

For claim 4, Camara discloses the virtual storage device comprises a virtual hard disk icon (114, Fig. 4; col. 4, lines 46-53).

For claims 5 and 11, Camara discloses a virtual hardware module further comprising a scanner object displayed in the operating system and the scanner object is for receiving commands from the computer (120, Fig. 5, col. 5, lines 5-20).

For claims 6-8 and 12-14, Camara fails to directly teach that the commands comprise opening the virtual hardware module for a command of executing scanning or setting a storage location by double clicking or by dragging and dropping. However, Camara discloses opening the virtual hardware module for a command of executing scanning or setting a storage location by use of a mouse inputting device (col. 5, lines 13-39). It is well known and would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that "double clicking" or "dragging and dropping" a mouse device to input commands is common in the art. Therefore claims 6-8, 12-14, and 16-18 are rejected.

For claim 15, Camara discloses a method for a scanner executing scanning comprising: displaying a virtual hardware icon in a computer (114, Fig. 4; col. 4, lines 46-53); selecting the virtual hardware icon for commanding a command of executing scanning (col. 4, line 65 – col. 5, line 61); executing scanning by the scanner according to the command (col. 5, lines 12-39); and saving scanned data (138, Fig. 5; col. 5, lines 62-67).

Art Unit: 2622

For claim 19 Camara discloses the virtual hardware icon comprises a virtual hard disk icon displayed in the operating system of the computer (114, Fig. 4; col. 4, lines 46-53).

For claim 20, Camara discloses a scanner communication with the computer through a connecting network (col. 2, lines 37-44).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Art Unit: 2622

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L Sherrill whose telephone number is 703-306-4053. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

JLS
April 5, 2004


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600